

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUPKIN DIVISION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
JAN 04 2021

Patrick Lee Duncan 547843

Plaintiff's Name and ID Number

GIB LEWIS

Place of Confinement

9:21cv1 RC/KFG

BY  
DEPUTY

CASE NO. \_\_\_\_\_

(Clerk will assign the number)

v.

Bobby Lumpkin, P.O. Box 99, Huntsville, Tx. 77342

Defendant's Name and Address

Director in Office, STANDARDS & ACCREDITATION DEPT.  
AMERICAN CORRECTION ASSOCIATION, 206 N. WASHINGTON ST., SUITE 200, ALEXANDRIA, VIRGINIA, 22314

Defendant's Name and Address

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at you prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from you inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: February, 2020
  2. Parties to previous lawsuit:
 

Plaintiff(s) DUNNAN

Defendant(s) DAVID GUTIERREZ, Julie Morales, Anthony Ramirez, CHARLES SPETER
  3. Court: (If federal, name the district; if state, name the county.) Western district of Texas
  4. Cause number: 5:19-cv-00920/CIVIL ACTION NO. SA-19-LA-920-FB
  5. Name of judge to whom case was assigned: Fred BERRY
  6. Disposition: (Was the case dismissed, appealed, still pending?) dismissed
  7. Approximate date of disposition: 2020 MAY - AUGUST



NOTICE: There was several  
grievances WRITTEN ON THIS ISSUE  
AT THE SAME TIME.

SEP 24  
ice

# OFFICE USE ONLY

Grievance #: 2015/7/752  
UGL Recd Date: AUG 26 2015  
HQ Recd Date: AUG 31 2015  
Date Due: 9-30  
Grievance Code: 500  
Investigator ID#: 1722  
Extension Date: \_\_\_\_\_

Offender Name: PATRICK DUNCAN TDCJ # 547643  
Unit: CONNALLY Housing Assignment: 9-X-36  
Unit where incident occurred: JOHN B. CONNALLY

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because. This STEP (1), was submitted due to excessive serving of sack meals i. e. (Johnnies). The use of sack meals per TDCJ policy are for institutional lockdowns. FS-2404 SUBJECT SACK MEALS. Prisoners are informed by staff that shortage of security staff, that is why we are being fed sack meals. The constant feeding of sack meals deprive prisoners of nutrients needed to stay active and healthy. Policy states "A variety of food items to insure that nutritional needs are being met." TDCJ do not place vegetables or other fruit items in sack meals. The only fruit items provided are prunes or raisins. There are no varieties to choose from. Warden Ramirez response would be accurate if they are providing wholesome and nutritious meals, not sack meals. This constant practice of serving sack meals in place of wholesome and nutritious ones can not be compared as one and the same. Example "Breakfast meal wholesome and nutritious: (2) Fried eggs, (2) BisBuits, 1/2 cup cooked oats, 1/2 cup canned fruit, 1 Tbsp. Jelly or margarine, and (1) cup of milk, or Breakfast drink, or coffee. Example: Breakfast sack meal: (1) Fried egg, (1) biscuit, (1) peanut butter and jelly sandwich, and (1) cup of milk opt. not daily. There is no comparison of these (2) meals. Warden Ramirez's statement is consistent with the serving wholesome and nutritious meals. The complaint states prisoners are receiving sack meals 75% of the 30 day cycle. There is no denying the facts presented, because cook work sheet, computer scanning of prisoners ID cards will indicate we are served sack meals 75% of the time, not wholesome and nutritious ones. I pray the practice will be discontinued, due to whatever alleged reasoning. This practice is endangering prisoners physical and mental health. In closing it is the units administrative job and moral responsibility to ensure that this situation is

~~corrected, not covered up with a blanket respon. This is our only way of addressing this injustice, without seeking redress from outside sources...~~

Offender Signature: Patrick Lee DuganDate: 8-26-2015

Grievance Response:

YOUR COMPLAINT HAS BEEN NOTED AND WAS APPROPRIATELY ADDRESSED AT STEP ONE. IN ACCORDANCE TO TX GOVERNMENT CODE, 501.003 FOOD. THE DEPARTMENT SHALL ENSURE THAT INMATES HOUSED IN FACILITIES OPERATED BY THE DEPARTMENT ARE FED GOOD AND WHOLESOME FOOD, PREPARED UNDER SANITARY CONDITIONS, AND PROVIDED IN SUFFICIENT QUANTITY AND REASONABLE VARIETY. THERE IS NO EVIDENCE THAT THE CONNALLY FOOD SERVICE DEPARTMENT IS IN NON-COMPLIANCE OR HAS VIOLATED TDCJ POLICY. NO FURTHER ACTION WARRANTED.

E. GARZA, ASSISTANT REGION IV DIRECTOR

Signature Authority: Erin J. AyalaDate: 9/10/15

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted.\*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

EXHIBIT F-6



PLEASE SEE EXHIBIT F-5  
STEP 1 (SYSTEMATIC SHORTAGE  
OF SECURITY STAFF)

MAY-31-2017

Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: 2017081591

UGI Recd Date: MAR 13 2017

HQ Recd Date: MAR 17 2017

Date Due: 4-22

Grievance Code: 506 <sup>16y</sup> <sub>note</sub>

Offender Name: PATRICK DUNLAN

TDCJ # 547843 <sup>experience</sup> <sub>int</sub>

Unit: CONNALLY

Housing Assignment:

(3-C-29-B)

GRIEVANCE CODE ↑

Unit where incident occurred: JOHN B. CONNALLY

IS FALSIFIED!

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific).

I am dissatisfied with the response at Step 1 because...

ANSWER REVEALS INTENTIONAL

FALSIFICATION OF STATE DOCUMENTS GRIEVANCE INVESTIGATOR 1-1733, DIRECTOR BRYAN COLLIER AND WARDEN JUAN M. GARCIA. A VIOLATION OF (TEXAS PENAL CODE §37.09, 37.10). THE ANSWER ALSO SHOWS INTENTIONAL CHAIN CONSPIRACY BY INVESTIGATOR 1-1733, DIRECTOR COLLIER AND WARDEN GARCIA. THE CODE IS INTENTIONALLY FALSIFIED TO REFLECT CODE 506 (TEMP/VENTILATION). THIS GRIEVANCE IS ABOUT CODE 812 REPRISAL AND RETALIATION. A VIOLATION OF (TEXAS PENAL CODE §39.02). THE ANSWER DIRECTOR COLLIER STATED IS A FOOD ISSUE WHICH HAS NOTHING TO DO WITH RETALIATION ISSUE OR THE FALSE CODE 506 TEMP/VENTILATION. A VIOLATION OF TEXAS PENAL CODE 39.03. WARDEN GARCIA PUT HIS SIGNATURE ON THIS IN FULL AGREEMENT WITH THIS CHAIN CONSPIRACY, PROVING ALL THREE ARE IN VIOLATION OF (TEXAS PENAL CODES §39.02, 39.03 AND 39.04). I CLEARLY MADE A CLAIM OF RETALIATION ON ME AND OTHERS FOR ME WRITING SENATOR WHITMIRE. IN ADDITION I SUFFERED FURTHER RETALIATION AND PUNISHMENT BY STRIPPING ME OF MY DORM PRIVILEGE 2 DAYS AFTER THIS GRIEVANCE. I WAS MOVED AGAIN ON 2/3/17. I WAS PUT IN THE CELL WITH EZRA LEE WILLIAM #1782694. HE IS A SCHIZOPHRENIA PATIENT THAT IS 15 YEARS YOUNGER THAN ME. I HAVE A CRIME AGAINST A BLACK PERSON. 2 PEOPLE HAVE TOLD THEIR CELL PARTNER ON THIS UNIT-THIS YEAR. MRS. LORRAINE L. SALAS INVESTIGATOR II OPENLY ADMITTED THAT THIS GRIEVANCE IS THE REASON I WAS MOVED FROM 19-X-36 (DORM). A VIOLATION OF (TEXAS PENAL CODE §39.04, 36.06) AND HARASSING AND RETALIATING ON ME FOR PURSUING LEGAL ACTIVITIES IN VIOLATION OF (TX. PENAL CODE §36.05) TAMPERING WITH A WITNESS. SEE: SPICER V. COLLINS, 9F. SUPP. 2d 673. MY 2 WITNESSES FOR ME BEING MOVED IN RETALIATION ARE CHARLES R. ANDRUS #1249902 AND MARTO C. MARTINEZ #339106. IN ADDITION TO THE RELIEF I ASK FOR IN STEP 1, MAY I PLEASE MOVE BACK TO THE DORMS?

Offender Signature: Patrick DuncanDate: 3/13/2017

Grievance Response:

SUBMIT ONE ISSUE PER GRIEVANCE. YOUR COMPLAINT HAS BEEN NOTED AND WAS APPROPRIATELY ADDRESSED IN STEP ONE. NO FURTHER ACTION WARRANTED.

P. CHAPA, ASSISTANT REGIONAL DIRECTOR

Signature Authority: [Signature]Date: 04-14-2017

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted.\*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY**

Initial Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



Texas Department of Criminal Justice

# STEP 2

## OFFENDER GRIEVANCE FORM

Offender Name: \_\_\_\_\_ TDCJ # \_\_\_\_\_

Unit: \_\_\_\_\_ Housing Assignment: \_\_\_\_\_

Unit where incident occurred: \_\_\_\_\_

### OFFICE USE ONLY

Grievance #: \_\_\_\_\_

UGI Recd Date: \_\_\_\_\_

HQ Recd Date: \_\_\_\_\_

Date Due: \_\_\_\_\_

Grievance Code: \_\_\_\_\_

Investigator ID#: \_\_\_\_\_

Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

PLAINTIFF DUNCAN intends to show this court (by an overwhelming preponderance of evidence [Please see Exhibits M-1, M-2, M-3, M-4, M-5, M-6]) that PLAINTIFF did everything he could to exhaust state remedy. This includes contacting D.I.G. This was sexual assault # SA-201205062-00001. These acts are prejudice to DUNCAN'S First and FOURTEENTH AMENDMENT rights.

### AFFIDAVIT

Pursuant to Title 6, Texas civil practice and remedies code, section 132.001 I PATRICK LEE DUNCAN #547843 am presently incarcerated at CIB LEWIS unit, county of Tyler and I declare under penalty of perjury that the foregoing affidavit is true and correct pursuant to Title 28 U.S.C. sec 1746 executed 19<sup>th</sup> day of November 2020.

PATRICK LEE DUNCAN  
TDCJ 547843  
Patrick Lee Duncan  
S.S. 443-64-9735

II. PLACE OF PRESENT CONFINEMENT: GIB LEWIS Prison

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: PATRICK LEE DUNCAN, 777 FM 3497, Woodville, Texas, 75890

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Bobby L. LIMPKEIN, Director, P.O. Box 99, HUNTSVILLE, Texas, 77340

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

KNOWINGLY, Wrongfully excepting Accreditation by A.C.A. While T.D.C.I. is 3500 SECURITY STAFF SHORT  
AMERICAN CORRECTIONAL ASSOCIATION - CURRENT OFFICE HOLDER

Defendant #2: DIRECTOR, 206 N. WASHINGTON, ST. Suite 200, ALEXANDRIA, VIRGINIA, 22314

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

SYSTEMATICALLY REPERCUSSING T.D.C.I. AFTER MURDERS ect., KNOWINGLY THE SYSTEM IS 3500 SECURITY STAFF SHORT.

Defendant #3: \_\_\_\_\_

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

#1 ON EASTHAM IN 1990 I WAS FORCED INTO SEXUAL SERVITUDE by inmate Darcel GRAY. He sold me to Jausha Brown in 1991 for sexual servitude. WARDEN CHARLEY MARTIN Found out and Locked Brown up. This happened to me due to Shortage of Security STAFF.

#2 ON Connally we ate sandwiches with very little vegetables for most of 6 years, and NO Recreation, From 2010-2017. I AM NOW A border line diabetic due to Shortage of Security STAFF.

#3 There is 3-5 deaths in most all Texas prisons each year due to shortage of security STAFF. A.C.A. provides the union platform to obsober T.D.C.J. of Their responsibilities in the killings, deaths, gang rapes, big drug busts, ect... ect...

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. REQUEST PRELIMINARY INJUNCTION AGAINST A.C.A. To block ACCRETION OF

ALL TEXAS PRISONS (T.D.C.J.) UNTIL ALL LEGAL ISSUES ARE RESOLVED? Request Jury Trial For NOMINAL, COMPENSATORY, AND PUNITIVE DAMAGES? Request CLASS ACTION AGAINST A.C.A. & T.D.C.J. T.D.

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

PATRICK LEE DUNCAN, HARLEY DUNCAN

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you. T.D.C.J. T.D. PATRICK LEE DUNCAN 547843

ODL 127612

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied?

YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning was issued: N/A

Executed on: 11-1-2020  
DATE

PATRICK LEE DUNCAN  
Patrick Lee Duncan  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 1<sup>st</sup> day of NOVEMBER, 20 20.  
(Day) (month) (year)

PATRICK LEE DUNCAN  
Patrick Lee Duncan  
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
PATRICK LEE DUNCAN PLAINTIFF

V.

BOBBY LUMPKIN T.D. C.J. DIRECTOR,  
AMERICAN CORRECTIONAL ASSOCIATION  
DIRECTOR OF STANDARDS & ACADETICSON  
DEFENDANT

COMPLAINT

Civil Action NO.

## I. JURISDICTION & VENUE

1. This is a CIVIL ACTION AUTHORIZED by 42 U.S.C. Section 1983 To redress The deprivation, under color of STATE LAW, of rights secured by The Constitution of The United States, The court has jurisdiction under 28 U.S.C. Section 1331 AND 1343 (A) (3). PLAINTIFF seeks declaratory relief pursuant 28 U.S.C. Section 2201 AND 2202. PLAINTIFF'S CLAIMS for injunctive relief are Authorized by 28 U.S.C. Section 2283 & 2284 AND RULE 65 OF The Federal Rules of Civil Procedure.
2. The EASTERN DISTRICT is AN APPROPRIATE venue under 28 U.S.C. Section 1391 (b)(2) because it is where some of The events giving rise to This claim occurred.

## II PLAINTIFFS

3. PLAINTIFF, Patrick Lee DUNCAN, is AND WAS AT ALL TIMES MENTIONED herein A prisoner of The STATE OF TEXAS in The custody of The TEXAS Department of Criminal Justice. He is CURRENTLY confined in The GIB Lewis prison, in Woodville, Texas.

## III DEFENDANTS

4. DEFENDANT, BOBBY LUMPKIN is The director of The STATE OF Texas Department of Criminal Justice. He is legally responsible For The overall operation of The Department AND each institution

under its jurisdiction, including GIB LEWIS prison.

5. Defendant (director \_\_\_\_\_) is The Superintendent of American Correctional Association, STANDARDS & Accreditation Department. He/she is Legally responsible For The operation of Accreditation of ALL Texas Department of Criminal Justice prisons AND For The welfare of ALL The offenders in That prison system, and all States' prisons systems.

6. Each defendant is sued individually AND in Their official capacity. AT ALL Times mentioned in This complaint each defendant acted under The color of State AND Federal Law.

### III. FACTS

7. I was Forced into sexual servitude with/by Deird G RAY and Eastham, in P-line. This Took place in July 1990 AND went on UNTIL About October 1991. I was Then sold To Jausha Brown ON 8 dorm, For \$65.00. This sexual servitude went on UNTIL About JANUARY - February 1992. Warden Charlie Martin Found out About These horrible acts being done To me AND locked Brown up. This claim was submitted by LAMBDA legal, Melinda McKew, legal assistant, on July 28, 2016, To Lynne Sharp P.R.E.A. Ombudsman. Sexual Assault NUMBER SA-201205-062-00001. These horrible acts was done and created by callous deliberate indifference To unsafe living AND working conditions due To cronic shortage of security staff. The same systematic cronic shortage of security staff continues To This day, under The watchful eye of The AMERICAN CORRECTIONAL ASSOCIATION, with The systematic reaccreditation That Follows every murder, every big drug bust ect., ect.,

8. Sometime in The 2<sup>ND</sup> week of MAY-2020, guards beat AN offender almost To death on STILLS unit. He was Then smuggled over To Gib Lewis where he died in High Security-H-POD #106, ~~ASKED~~

FOR MAY 14, 2020. I ASK MY LEGAL (A.C.L.U.) TO ASK FOR F.B.I. INVESTIGATION FOR THIS MURDER AND AN ASSISTED SUICIDE OF CONRAD TORAL, FOUND DEAD ON GIB LEWIS, HIGH SECURITY, F-POD, JANUARY 6, 2020. NO TEXAS RANGERS WERE EVER CALLED THAT I COULD FIND OUT ABOUT.

9. ALL MURDERS, RAPES, GANG BEATINGS ARE INVESTIGATED BY OFFICE OF INSPECTOR GENERAL, (STATE POLICE THAT WORK FOR, AND GET PAID BY T.D.C.J.-I.D.). STATE LAW REQUIRES 30 MINUTE WELFARE CHECKS, SHOWN BY SUICIDAL ACTS.

10. ACCORDING TO THE TEXAS PRISON NEWS PAPER (THE ECHO) IN EARLY 2020, LORI DAVIS (THEN DIRECTOR) STATED THAT LAST YEAR, THERE WAS SOME 36000 INCIDENTS LAST YEAR, MURDERS, GANG RAPES, BIG DRUG BUSTS.

11. AS I WRITE THIS, NOVEMBER 1, 2020, ONLY 5 OFFICERS SHOWED UP FOR WORK TODAY AT GIB LEWIS, MORNING SHIFT.

12. WHEN WE FILE GRIEVANCE FOR RECREATION, OR I ASK FOR A SECURITY AUDIT. T.D.C.J. SYSTEMATICALLY SHUFFLES OFFICERS FROM OTHER UNITS TO MAKE IT LOOK PROPERLY STAFFED. THE AUDITS ARE DONE AND ACCOUNTED FOR BY THE O.I.G. CAMERAS. FOR A WEEK OR SO WE'LL GET RECREATION, UNTIL THE AUDIT IS OVER, (AFTER A FEW PICTURES OF CONVICTS ON THE RECREATION YARD), THE AUDIT IS OVER. WHEREUPON T.D.C.J. IMMEDIATELY GOES RIGHT BACK TO THE SAME THING.

13. ON CONNALLY UNIT, JANUARY 21, 2017, 13 GANG MEMBERS RAPED 1 OFFENDER ON 8 BUILDING, J-POD. 12 WERE PROSECUTED. ON JANUARY 23, 2017, A.C.A. STARTED THE "PRISON RAPE ELIMINATION ACT" (P.R.E.A.) AUDIT. ON JANUARY 25, 2017, A.C.A. RUBER STAMPED THE CONNALLY UNIT AS P.R.E.A. COMPLINT, ALTHOUGH THERE WAS 13 RAPE SUSPECTS LOCKED UP RIGHT UNDER THEIR NOSES.

14. ON ~~V. LEGAL CLAIMS~~ CONNALLY WE ATE COLD SANDWICHES (PEANUT BUTTER & JELLY AND GROUND MEAT) FOR MOST OF 6 YEARS. DUE TO SHORTAGE OF SECURITY OF STAFF. I AM A BORDER LINE DIABETIC, BECAUSE OF THE SAME DIET EVERY DAY AND THE COMBINATION OF

## CONTINUED STATEMENT OF FACTS

no recreation, and what the T.D.C.J. staff done to me and every other offender there for 6 years. O.I.G. had full ~~knowet~~ knowledge of this continued act. A.C.A. had full knowledge of these continued acts.

15. Me and a lot of other offenders has tried to fix this problems through grievances & even step 3 ombudsmans investigations. Offenders call home and outside lawyers, but every time T.D.C.J. goes right back to the same thing.

16. Exhibits A through M-6 are Duncan's declarations of personal knowledge, grievances, and general prison knowledge.

## V. EXHAUSTION OF LEGAL REMEDIES

17. Plaintiff Duncan used the prisoner grievance procedure available at Connally & Giblewis to try and solve the problem. Plaintiff Duncan has presented the facts relating to this complaint, "Shortage of Security Staff." All grievances are always denied & or falsely mis coded, to reflect a different issue.

## VI. LEGAL CLAIMS

18. Plaintiffs reallege and incorporate by reference paragraphs 1-18.

19. The sexual servitude ~~plaintiff~~ <sup>PLAINTIFF</sup> Duncan was forced into was created by unsafe living and working environments due to reckless disregard or callous deliberate indifference, totaling one main theme "SYSTEMATIC SHORTAGE OF SECURITY STAFF."

20. The chronic health problems Plaintiff Duncan is now faced with (Heart disease, High Blood Pressure, Borderline Diabetic) was created by unsafe living and working conditions, created by evil motive or intent as it involves reckless disregard or callous deliberate indifference to my safety and health.

ONCE AGAIN This involves ONE MAIN Theme "SYSTEMATIC CRONJE shortage of security STAFF", For many years now. This violated plaintiff DUNCAN'S rights and constituted cruel, and unusual punishment under The EIGHTH, and equal protection of The FOURTEENTH, and Free exercise clause of The FIRST AMENDMENT TO The UNITED STATES CONSTITUTION.

21. The plaintiff has no plain, adequate or complete remedy at Law To redress The wrongs described herein. Plaintiff has Been AND will continue To be irreparable injured by The conduct of The defendants unless This court grants The declaratory and injunctive relief which plaintiff seeks.

#### VII. PRAYER For Relief

Wherefore, plaintiff respectfully prays That This court enter judgment granting plaintiff:

22. A declaration That The acts and omissions described herein violated plaintiff's rights under The Constitution and Laws of The UNITED STATES.

23. A preliminary AND permanent injunction ordering defendants of T.D.C.J.-I.D. directors, AND A.C.A. MAIN supervisors in standards and accreditation dept. (in Alexandria, Virginia) To halt all accreditation of Texas prisons until T.D.C.J.-I.D. meets or exceeds 85% of everything in The A.C.A. handbook, comes into compliance with Texas STATE LAW (1) refurbish buildings (MAINTAIN STATE PROPERTY), (2) Texas state law requires 30 minute welfare checks for prisoners exhibiting suicidal or bizarre behavior, (3) ~~for~~ coupled with hiring 3500 permanent security STAFF OFFICERS, (4) investigate all murders in T.D.C.J.-I.D. by Texas Rangers dating back to 2000.

24. Compensatory damages estimated by Jury & Judge against each defendant, jointly and severally.

CONTINUED PRAYER OF RELIEF

25. Punitive damages estimated by Jury & Judge against each defendant.
26. A Jury Trial on ALL issues Triable by Jury.
27. Plaintiff's costs in this suit.
28. Please GRANT Plaintiff's class action request.
29. Any additional relief this court deems just, proper, and equitable.

Dated: 12-15-2020

PATRICK LEE DUNCAN  
547843  
GIB LEWIS UNIT  
777 FM 3497  
Woodville, TEXAS  
75990

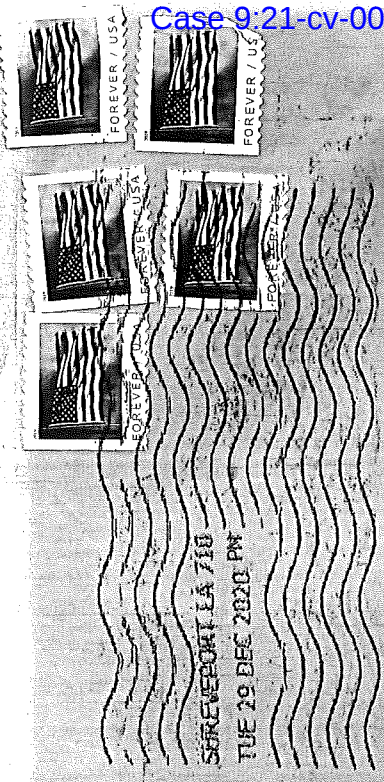
VERIFICATION

I have read The foregoing complaint and hereby verify That The matters alleged therein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Woodville, Texas ON 12-15-2020

Patrick Lee Duncan  
PATRICK LEE DUNCAN

PATRICK DUNCAN  
547843  
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U.S. District Court  
EASTERN DISTRICT OF TEXAS  
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